

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-15.002 Introduction

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to update the rule with regard to the standards for foreign medical schools.

SUBJECT AREA TO BE ADDRESSED: Update of the rule with regard to standards for foreign medical schools.

RULEMAKING AUTHORITY: 458.309, 458.314(4) FS.

LAW IMPLEMENTED: 458.314 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison M. Dudley, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0573 Industry Certification Process.

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes made by the 2012 Legislature to the governing statutes. In addition, new certifications will be added to the Industry Certification Funding List, as incorporated by reference in the rule and referred to as the 2012-2013 Industry Certification Funding List. The Industry Certification Funding List must include weights for each industry certification for use in the Florida Education Finance Program (FEFP) calculation, which are calculated on an annual basis.

SUMMARY: The 2012 Legislature amended Sections 1003.491-1003.4935, Florida Statutes, and Section 1011.62(1)(o), Florida Statutes. These changes require the Department to identify a list of industry certifications in

science, technology, engineering, and mathematics (STEM) that are appropriate for middle school students only. This requires the adoption of a separate list of middle school STEM certifications. The Department is adopting the “2012-2013 Industry Certification Funding List” and adopting by reference the “Comprehensive Industry Certification List, 2012-13” as approved and published March 1, 2012, by Workforce Florida, Inc. In addition, the Department is adding a designation to items on the “2012-13 Industry Certification Funding List” for STEM certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule does not require legislative ratification and is not expected to have any impact on the factors found in Section 120.541(2)(a), F.S. This is because the amendment incorporates by reference the 2012-2013 Industry Certification Funding List and Middle School STEM Industry Certification List which contains the certifications school districts can report to the Department of Education in order to seek additional funding calculated through the Florida Education Finance Program.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1003.492(2) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493, 1003.4935, 1011.62(1)(o) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 15, 2013, 8:00 a.m.

PLACE: Le Cordon Bleu College of Culinary Arts, 8511 Commodity Circle, Suite 100, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Budget, Accountability, and Assessment, Career and Adult Education, 325 West Gaines St., Room 744, Tallahassee, FL., 32399, (850)245-9002

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0573 Industry Certification Process.

(1) Pursuant to Section 1003.492(2), F.S., Workforce Florida, Inc.’s approved list of industry certifications, which has been named the “Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, 2012-2013 ~~2011-2012~~, ~~Updated~~” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02159>)

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-01140)~~ is adopted by the State Board of Education and incorporated by reference in this rule. The “Workforce Florida, Inc. Comprehensive Industry Certification List for the Career and Professional Education Act, ~~2012-13 2011-2012, Updated~~” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(2) The “Comprehensive Industry Certification List” shall be published by March 1 of each calendar year.

(3) “Industry Certification Funding List.” The Department of Education shall review the approved “Comprehensive Industry Certification List” to identify certifications deemed sufficiently rigorous academically and, thus, eligible for additional full-time equivalent (FTE) membership funding, pursuant to Section 1011.62(1), F.S.

(a) This list will be known as the ~~“2012-2013 2011-2012~~ Industry Certification Funding List, ~~Updated~~” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02160> ~~<https://www.flrules.org/gateway/reference.asp?NO=Ref-01144>~~) to be published by the Department of Education and is incorporated by reference in this rule. The ~~“2012-2013 2011-2012~~ Industry Certification Funding List, ~~Updated~~” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(b) To be considered for additional full-time equivalent membership funding and included on the ~~“2012-2013 2011-2012~~ Industry Certification Funding List, ~~Updated~~” in this paragraph, a certification shall:

1. Be on the “Comprehensive Industry Certification List;”
2. Be achievable by secondary students; and
3. Require a minimum of one hundred fifty (150) hours of instruction; ~~and~~
4. ~~Have been offered for at least one year in a school district.~~

~~(c) The Commissioner of Education may waive the one-year requirement when failure to do so would inhibit preparation of students for emerging workforce opportunities.~~

(4) No later than March 5 each year, the Department of Education shall produce a preliminary “Industry Certification Funding List” and shall show the industry certifications for which registered career and professional academy students may be reported for additional full-time equivalent membership funding by school districts under Section 1011.62(1), F.S.

(a) School districts shall be provided a period of time to request additions to the preliminary “Industry Certification Funding List” prior to publication of the final “Industry Certification Funding List” for the following school year.

(b) School districts offering career and professional academies or career-themed courses under Section 1003.492, F.S., may submit requests to include an industry certification,

not on the preliminary “Industry Certification Funding List,” to the final “Industry Certification Funding List” along with supporting documentation, to the Department of Education.

1. through (5)(a) No change.

(b) Employment value shall be determined by the State Board of Education, in consultation with Workforce Florida, Inc., using the entry wage, growth rate, and average annual openings for the Standard Occupational Classification (SOC) code linked to the industry certification, based on occupational linkages assigned by the Department of Economic Opportunity.

1. The maximum employment value of the industry certification is three points. The State Board of Education shall assign one point to each certification for the three indicators: entry wage, growth rate, and average annual openings. Points shall be assigned to each certification based on the percentile ranking of the occupation to which it is linked among all occupations linked to certifications on the “Industry Certification Funding List.” The source for the employment information is data from Department of Economic Opportunity, Labor Market Statistics Center, Occupational Employment Statistics Program and Employment Projections Program, in the document ~~“2007-12 2007-11~~ Comprehensive Industry Certification List with Employment Data, ~~Updated~~” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02161> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-01149>~~) which is hereby incorporated by reference. The document can be accessed from the Department’s web site at http://www.fldoe.org/workforce/careeracademies/ca_home.asp.

2. through (d) No change.

(6) Pursuant to Section 1011.62(1), F.S., the State Board of Education shall adopt designations for items on the annual Industry Certification Funding List for certifications in science, technology, engineering, or mathematics (STEM). These designations will be identified for industry certifications that lead to occupations identified as STEM by the Department of Economic Opportunity in the document “Defining Science, Technology, Engineering, and Mathematics (STEM) Occupations Based on O*NET Subject Knowledge Values (Importance and Level)” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02162>) and is hereby incorporated by reference.

(7) The “Middle School STEM Industry Certification List.” The Department of Education shall adopt a list of industry certifications that are designated as STEM, thus, eligible for additional full-time equivalent (FTE) membership funding pursuant to Section 1011.62(1), F.S.

(a) This list will be known as the “2012-13 Middle School STEM Industry Certification List” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02163>) to be published by the Department of Education and is incorporated by reference in this rule. The “2012-13 Middle School STEM Industry

Certification List” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(b) To be considered for additional full-time equivalent membership funding and included on the “2012-13 Middle School STEM Industry Certification List” in this paragraph, a certification shall:

1. Be achievable by students enrolled in sixth grade, seventh grade, or eighth grade;

2. Require a minimum of seventy-five (75) hours of instruction;

3. Demonstrate skills for progression in a STEM career pathway or introductory skills that prepare for a certification designated as STEM on the “2012-2013 Industry Certification Funding List”;

4. Be a proctored examination that is assessed by an independent, third party certifying entity using predetermined standards for knowledge, skills, and competencies; and

5. Not be a certification on the “2012-13 Industry Certification Funding List.”

(c) Students reported as earning a certification on the “Middle School STEM Industry Certification List” may not use those examinations to satisfy the requirements for earning a certification on the “Industry Certification Funding List.”

(8)(6) The final “Industry Certification Funding List” for the school year shall be published no later than the July 15, preceding the beginning of the school year. The list shall include a weight for use in the additional full-time equivalent membership calculation pursuant to Section 1011.62(1), F.S., as defined in subsection (5) of this rule.

(9)(7) Conditions for the additional full-time equivalent membership funding pursuant to Section 1011.62(1), F.S.

(a) A school district shall be eligible for additional FTE membership under the following conditions, for a maximum of 0.3 full-time equivalent membership funding per student:

1. Student is enrolled in a registered career and professional academy or is enrolled in a registered career-themed course.

2. Student completes a certification on the “Industry Certification Funding List.” or student in sixth, seventh, or eighth grade completes a certification on the “Middle School STEM Industry Certification List.”

3. Student receives a high school diploma or middle school student is promoted to ninth grade after earning an industry certification with a STEM designation on the “Industry Certification Funding List” or “Middle School STEM Industry Certification List.”

(b) Up to three (3) ~~two~~ certifications may be reported for a course.

(c) School districts may report students who complete industry certifications during the update period allowed by the Department of Education for survey 5 after an initial submission.

(10)(8) Registration of High School Career and Professional Academies. The Department of Education shall maintain a web site for school districts to register career and professional academies that meet the requirements of Section 1003.493, F.S.

(a) through (d) No change.

(11)(9) Registration of Middle School Career and Professional Academies. The Department of Education shall maintain a website for school districts to register middle school career and professional academies that meet the requirements of Section 1003.4935, F.S.

(a) through (d) No change.

(12) Registration of Career-Themed Courses. The Department of Education shall maintain a process by which school districts shall provide to the Department a list of career-themed courses by school that meet the statutory requirements of Section 1003.493(1), F.S. Form FCAPEA-03, Career and Professional Education Act Career-Themed Course Registration Form, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02164>) and Form FCAPEA-04, Certification Form for the Registration of Career-Themed Courses (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02165>) are hereby incorporated by reference in this rule to become effective February 2013, and shall be utilized for reporting the career-themed course information. Forms FCAPEA-03 and FCAPEA-04 may be found on the Department’s web site at: <http://www.fldoe.org/workforce/cpea/default.asp>.

(a) As part of the registration process, superintendents shall certify that each career-themed course meets the requirements of Section 1003.493(1), F.S., and secondary school offering the career-themed course meets all of the requirements of Section 1003.493(4), F.S., or Section 1003.4935(2), F.S.

(b) Career-themed courses shall be registered by March 15 of the reporting year for the students in those courses to be eligible to generate the additional full-time equivalent membership funding based on the completion of industry certifications.

Rulemaking Authority 1003.492(2), 1011.62(1)(o) FS. Law Implemented 1003.491, 1003.492, 1003.493, 1003.4935, 1011.62(1)(o) FS. History—New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, 10-25-11, 8-23-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rod Duckworth, Chancellor, Division of Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2012

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.013
 RULE TITLE: Transportation Disadvantaged Trust Fund

PURPOSE AND EFFECT: The Commission proposes the amendment to Rule 41-2.013, F.A.C., to delete language regarding establishment of a reserve and emergency fund because of legislative appropriations.

SUMMARY: The rule amendment will delete language regarding establishment of a reserve and emergency fund because of legislative appropriations

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Commission meeting, the Commission, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 427.013(9) FS.
 LAW IMPLEMENTED: 427.012(8), 427.013, 427.0159, 427.016 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steve Holmes, Executive Director, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0405

THE FULL TEXT OF THE PROPOSED RULE IS:

41-2.013 Transportation Disadvantaged Trust Fund.

The Commission shall annually evaluate and determine each year's distribution of the Transportation Disadvantaged Trust Fund. Funds available through the Transportation Disadvantaged Trust Fund for non-sponsored transportation services and planning activities shall be applied only after all

other potential funding sources have been used and eliminated. Grant funds shall not be used to supplant or replace funding of transportation disadvantaged services which are currently funded to a recipient by any federal, state, or local governmental agency. Monitoring of this mandate will be accomplished as needed by the Commission and all agencies funding transportation disadvantaged services. The use of minority-owned businesses is encouraged, utilizing the most recent certified companies published by the Department of Management Services. Funds deposited and appropriated into the Trust Fund will be utilized for:

(1) Commission administrative and operating expenses, including financial assistance, through a grant agreement, to designated official planning agencies to assist the Commission in implementing the program in each local area. ~~The Commission shall request budget authority to establish a reserve fund to be used when estimated revenues are not collected and for an emergency fund to be used for transportation disadvantaged services in times of natural disasters, discontinuance of services or as otherwise directed by Florida Commission for the Transportation Disadvantaged "Emergency Fund" Directives, dated July 1997 incorporated herein by reference.~~

(2) No change.

Rulemaking Specific Authority 427.013(9) FS. Law Implemented 427.013, 427.0159, 427.016 FS. History—New 5-2-90, Amended 6-17-92, 1-5-93, 6-26-94, 7-11-95, 3-10-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Commission for the Transportation Disadvantaged

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commission for the Transportation Disadvantaged

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-9.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes this rule amendment to include language to the disciplinary guidelines for violation of Section 455.227(1)(t), F.S.

SUMMARY: The proposed rule amendment will add necessary language regarding violation of Section 455.227(1)(t), F.S., to the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 455.2273, 492.104(1), 492.113(2) FS.

LAW IMPLEMENTED: 455.227, 455.2273, 492.104(1), 492.113(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-9.001 Disciplinary Guidelines.

(1) No change.

(2) Whenever the Board finds a licensee guilty of violating a provision of Chapter 455, F.S., the following Penalty Guidelines shall be followed:

(a) through (p) No change.

<u>(q) Violation of: 455.227(1)(t)</u>	<u>Failing to timely report in writing to the board within 30 days after the licensee is convicted or found guilty of, orentered a plea of nolocontendere or guilty to, regardless of adjudication, a crime in any jurisdiction.</u>	<u>Misdemeanor: Reprimand; a fine from \$100 to \$250; probation not to exceed 6 months. Felony: Reprimand; a fine from \$500 to \$1000; suspension with conditions of reinstatement or revocation.</u>	<u>Misdemeanor: Reprimand; a fine from \$500 to \$1000; a period of suspension with conditions for reinstatement or revocation. 3rd Misdemeanor: Reprimand; \$1000 fine; and Revocation. Felony: Reprimand; Revocation; and \$1000 fine.</u>
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(3) through (6) No change.

Rulemaking Specific Authority 455.2273, 492.104(1), 492.113(2) FS. Law Implemented 455.227, 455.2273, 492.104(1), 492.113(2) FS. History--New 7-3-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 28, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: 61G20-3.015
 RULE TITLE: Equivalence of Standards

PURPOSE AND EFFECT: To review standards for equivalence in the Florida Building Code and, if appropriate, authorize the use of evaluations performed in accordance with the alternative standards for Florida Product Approval.

SUMMARY: Statute permits the Commission to determine the equivalency of standards not specifically adopted within the Building Code for purposes of state product approval. This practice avoids unnecessary expense and delay associated with testing under a new standard when the existing data indicates the product meets or exceeds the requirements thereof. The rule is amended to recognize the equivalency of the standards identified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1), (2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

61G20-3.015 Equivalence of Standards is revised to read as follows:

(1) through (3) No change.

(4) Standards which meet or exceed standards referenced by 2010 edition of the Code and recognized as equivalent for determining Code Compliance are:

(a) ASTM E 1996-05 Standard Specification for Performance of Exterior Windows, Curtain Walls, Doors and Impact Protective Systems Impacted by windborne Debris in Hurricanes equivalent to ASTM E 1996-02.

(b) ASTM E 1996 – 05 Standard Specification for Performance of Exterior Windows, Curtain Walls, Doors and Impact Protective Systems Impacted by windborne Debris in Hurricanes equivalent to ASTM E 1996-06 with respect to protective devices, with the exclusion of mullions.

~~(5)~~ Equivalence of product standards for specific product application. Standards which meet or exceed standards referenced by the Code and certified as equivalent for determining code compliance by one of the following entities shall be considered as equivalent by the Commission:

- (a) An approved certification agency;
- (b) An approved test lab;
- (c) An approved evaluation entity;
- (d) Florida licensed professional engineer or architect; or
- (e) A nationally recognized standard writing organization.

~~(6)~~ Equivalence of accreditation standards. Where approved evaluation entities and accreditation bodies accredit testing laboratories, certification agencies and quality assurance agencies to standards other than the referenced ISO standards in Rule 61G20-3.008, F.A.C., the accrediting body shall certify to the Commission that its standard is equivalent to the ISO standard. Such certification shall contain:

(a) A sworn statement by the officer of the accrediting body; and

(b) A comparison of the accrediting body’s standard to each criteria of the ISO reference standard with an explanation of why it is considered equivalent.

~~(7)~~ Organizations:

- (a) ANSI – American National Standards Institute;
- (b) AAMA – American Architectural Manufacturers Association;
- (c) ASTM – American Society of Testing and Materials;
- (d) DASMA – Door Access Systems Manufacturers Association; and
- (e) NWWDA – National Wood Window and Door Association.

Rulemaking Authority 553.842(1), (16) FS. Law Implemented 553.842(2), (16) FS. History–New 5-5-02, Amended 3-9-04, 11-22-06, 5-13-09, Formerly 9B-72.180 Formerly 9N-3.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Building Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 27, 2012

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-170.0155 Forms

PURPOSE AND EFFECT: The purpose of this rule amendment is to update and revise Form OIR-B1-1809 “Health Care Provider Certification of Eligibility” for Personal Injury Protection Benefits (PIP) due to statutory revisions as the result of H.B. 119 (Chapter 2012-197, Laws of Florida). The changes are technical edits to conform the form with the statute.

SUMMARY: This rule addresses revisions to Personal Injury Protection form OIR-B1-1809 required by Section 627.736, Florida Statutes to be used by the referenced providers of PIP benefits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 624.308(1), 627.711, 627.736 FS.

LAW IMPLEMENTED: 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 10, 2013, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) through (m) No change.

(n) OIR-B1-1809 "Health Care Provider Certification of Eligibility" (Rev.01/2013 ~~New 1/2008~~).

(2) No change.

Rulemaking Authority 624.308(1), 627.711, 627.736 FS. Law Implemented 215.5586, 624.307(1), 624.424, 627.062, 627.0629, 627.0645, 627.711, 627.736 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06, 6-12-07, 7-17-07, 9-5-07, 3-13-08, 4-21-10 (1)(l), 4-21-10 (1)(k), 2-1-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 15, 2012

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-176.013
 RULE TITLE: Notification of Insured's Rights and Standard Disclosure Form;
 Personal Injury Protection Benefits

PURPOSE AND EFFECT: The purpose of this rule amendment is to update and revise Form OIR-B1-1149 "Notification of Personal Injury Protection Benefits" in accordance with revisions to the PIP law as amended by HB119 (Chapter 2012-197, Laws of Florida). The form was revised to reflect that PIP benefits are now allocated for emergency medical treatment and a flat \$5,000 death benefit. The form was also revised to incorporate technical edits regarding fraud reporting and billing disclosures.

SUMMARY: To update amendments for Form OIR-B1-1149 which is required to be provided to insureds as set forth in Section 627.7401, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 624.308(1), 627.7401(1) FS.
 LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 10, 2013, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-176.013 Notification of Insured’s Rights and Standard Disclosure Form; Personal Injury Protection Benefits.

(1) Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver Form OIR-B1-1149 (Revised 01/2013 ~~8/30/06~~) “Notification of Personal Injury Protection Benefits” to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy.

(2) through (3) No change.

Rulemaking Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.736, 627.7401, 627.745 FS. History—New 10-1-94, Amended 12-6-00, 1-20-02, Formerly 4-176.013, Amended 3-8-04, 8-23-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Brewer, Office of Insurance Regulation, E-mail Michelle.Brewer@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 16, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-26.00411	Procedure for Issuance of Permits
14-26.00425	Criteria for Issuance of Permits

14-26.009	Exemptions from Fee Requirement
14-26.012	Movement Conditions and Restrictions
14-26.01311	Permits to Move Sealed Containerized Loads
14-26.015	Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 39, September 28, 2012 issue of the Florida Administrative Register.

In response to comments from the Joint Administrative Procedures Committee, the Department has made the following changes:

14-26.00411(4): The incorporation statement and revision date for the permit application is no longer struck through.

14-26.00411(4)(h): The language has been revised to clarify the permit application is the same application as used in (4) The language now reads “Trip Applications for non-routine permits must also include detailed routing information, such as stops for rest areas, exit ramps, etc.”

14-26.00425(2): The language has been revised to clarify the issuance of permits not specifically authorized by statute. (a) Pursuant to Section 316.550, F.S., ~~the Department may the Governor, Secretary of the Department of Transportation, Assistant Secretary for Engineering and Operations, and the State Highway Engineer have powers by which they, in extenuating circumstances, may authorize the Department’s Permit Office to~~ issue permits for vehicles or loads not specifically authorized by statute or rule, thereby exceeding the limitations normal daily operational safety standards and procedures of Sections 316.515 and 316.535, F.S. and Rule Chapter 14-26, F.A.C.

14-26.009(5): the authority for this subsection has been added. (5) Implement of husbandry, farm equipment, agricultural trailers and forestry equipment (oversize only) as provided in Section 316.515(5), F.S.

14-26.012(2)(c): the language has been revised to clarify escort qualifications.

3. Must have successfully completed a minimum eight hour pilot/escort flagging course provided by Department vendor. The qualification must be current and must be from an entity approved by the Department based upon that entity’s course content, methods of instruction, and familiarity with state and federal standards.

5. Shall be requalified every four years by successfully completing a four hour ~~Department approved~~ refresher course provided by a Department vendor.

14-26.01311(1)(b): The definition has been revised and incorporated as follows: A “Sealed Containerized Load” means a freight container with or without wheels, as defined in Title 49 C.F.R., Part 59, Sec 5901(4), Rev. 2008, and

~~incorporated herein by reference by the International Standards Organization, Series 1, Freight Containers Classification, dimensions and ratings, ISO668-1988 [E].~~

14-26.015 A statutory and grammatical error were corrected.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.: RULE TITLE:
60Y-2.005 General Information

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 81, November 30, 2012 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:	RULE TITLES:
69L-29.001	Definitions.
69L-29.002	Requirements for Certification
69L-29.003	Certification Time Frames
69L-29.004	Occasional Health Care Providers
69L-29.005	Decertification of a Health Care Provider
69L-29.006	Decertification Process
69L-29.007	Recertification Process
69L-29.008	Determining Certification Status
69L-29.009	Carrier Responsibilities
69L-29.010	Health Care Provider Responsibilities
69L-29.011	Workers' Compensation Certification Training Courses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 27, July 6, 2012 issue of the Florida Administrative Register.

These changes are being made to address concerns raised by the Joint Administrative Procedures Committee.

All of the changes discussed below refer to changes that are being made to the Health Care Providers Certification Tutorial, material that is incorporated by reference in Rule Chapter 69L-29, F.A.C.

Changes were made to certain statutory references to ensure both accuracy and greater specificity. Changes were also made to correct a series of rule sections that were misidentified as rule chapters. Additionally, a statement that listed a number of medical professionals is amended to more closely follow Section 440.15(3)(b), F.S.

The remainder of the rule reads as previously published.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER12-80 Payment of Prizes.

SUMMARY: This emergency rule replaces Emergency Rule 53ER12-17, F.A.C., and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-80 Payment of Prizes.

(1) Claiming Prizes. For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), Florida Statutes, will be deemed satisfied upon the claimant meeting the following requirements:

(a) On-line Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 180th day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated on-line winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 210th day after the winning drawing. If the claimant chooses to submit the validated on-line winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 210th day after the winning drawing. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 210th day after the winning drawing shall result in forfeiture of the prize.

(b) Instant Game Prizes.

1. For instant game prizes, the claimant must submit the winning instant ticket for validation at a Lottery office or retailer on or before the 60th day after the official end of the game. Winning instant tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 60th day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the

90th day after the official end of the game. If the claimant chooses to submit the validated instant winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 90th day after the official end of the game. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 90th day after the official end of the game shall result in forfeiture of the prize.

(2) Prize Payment Address. The Lottery's prize payment address is: Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-4027.

(3) Risk of Mailing Tickets. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(4) Winning Tickets Submitted to the Address for a Drawing. Winning tickets submitted to the address for a drawing for a game or promotion will not be paid or honored unless selected during the drawing. The time periods provided in subparagraphs (1)(a)1. and 2. and (1)(b)1. and 2. shall also apply to this subsection.

(5) Unclaimed Prizes. If a winning ticket is not submitted for validation within the applicable time period, or if a validated ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(6) Free Ticket Claims – Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows:

(a) If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket or combination of tickets having the same total retail sales price as the instant lottery ticket submitted for prize payment. The free ticket(s) may or may not be from the same instant game in which the prize was won.

(b) If the prize is a free on-line game quick pick ticket, the claimant will receive a free on-line game quick pick ticket, from the same on-line game in which the prize was won, for the next drawing after the ticket is validated; or if the free on-line game ticket is part of an on-line game multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (21) below.

(7) Free Ticket Claims – Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(8) Advance Play Ticket Claims – Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as "paid" in the gaming system and the continuation ticket automatically issued for the claimant shall be the instrument from which claims on remaining drawings are paid.

(9) Advance Play Ticket Claims – Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

(a) In order to be a valid on-line winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number ("TSN") or a readable bar code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or bar code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The TSN of an apparent winning ticket must validate on the Lottery's gaming system, and must not have been previously paid.

(d) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(e) Any ticket not meeting the criteria set forth in paragraphs (10)(a) through (d) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(11) Instant Game Ticket Validation.

(a) In order to be a valid instant winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible validation number (sometimes referred to as "Void If Removed Number" or "VIRN"), or a readable bar code. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The validation elements must not be altered or tampered with in any manner.

(d) The ticket must not appear on any list of omitted ticket stock on file at the Florida Lottery.

(e) The ticket must not have been stolen.

(f) The ticket must have been issued to a retailer by the Florida Lottery in an authorized manner.

(g) The validation number of an apparent winning ticket must validate on the Lottery's gaming system and must not have been previously paid.

(h) The validation elements of a ticket must not be misprinted or illegible.

(i) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(j) Any ticket not meeting the criteria set forth in paragraphs (11)(a) through (i) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(12) Disputes Regarding the Amount or Validity of Ticket.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Florida Lottery and a ticket bearer occurs as to whether a ticket is a valid winning ticket, or as to the prize amount of a valid winning ticket, the decision of the Florida Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Florida Lottery or its ticket vendor, the Florida Lottery will replace the disputed ticket with an unplayed ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(13) Winning Tickets Valued at Less than \$600.

Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (14)(c) below.

(a) Payment by Retailers.

1. Winning tickets of \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless:

a. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

b. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(b) Payment by the Florida Lottery.

1. Winning tickets of \$100 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

2. Winning tickets with a value greater than \$100 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets, or paid a maximum of \$100 in cash and the balance of the prize paid by check and/or issued lottery tickets at the claimant's option.

3. Winning tickets of less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

4. A player who submits a winning ticket of less than \$600 in person to a Lottery district office for payment by check shall be required to present identification as set forth in paragraphs (15)(b) or (c). The identification is required to ensure proper check distribution.

5. Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (16), (17), (18) and (19) below.

(14) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 02/11, or Spanish Winner Claim Form DOL 173-2S, revised 02/11 along with the ticket(s) as set forth in subsection (18) and the identification described in paragraphs (15)(b) or (c) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the

Florida Lottery's website at flalottery.com, or by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters, or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below, except that winning tickets valued in excess of \$50,000 may be paid by wire or electronic funds transfer. Powerball winning tickets valued to \$1,000,000 may be presented at a Lottery district office or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939. All other winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (16), (17), (18) and (19) below:

1. If the prize value is \$600 through \$50,000, payment shall be made by check.

2. If the prize value is greater than \$50,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire or electronic funds transfer at the claimant's option.

(15) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The Lottery shall be permitted to make a photocopy of such identification for its records. The name on the identification presented to the Lottery must match the name on the back of the winning ticket, unless the name on the back of the winning ticket is that of a legal entity. In such case, an authorized agent of that legal entity and all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive a portion of the legal entity's Lottery winnings shall submit a photocopy of required identification as detailed below. The Lottery reserves the right to require proof of authenticity for such photocopies. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

(b) For prizes valued at \$600 or more, one form of identification is required that is current or was issued within the past five years and bears a serial or other identifying number. Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

2. A passport issued by the Department of State of the United States;

3. A passport issued by a foreign government;

4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

5. An identification card issued by any branch of the armed forces of the United States; or

6. An identification card issued by the United States Bureau of Citizenship and Immigration Services; or

7. Another form of identification authorized for use by notaries public in subparagraph 117.05 (5)(b)2., Florida Statutes.

(c) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraph (15)(b) above, the Lottery will accept as satisfactory evidence of the claimant's identity a completed Affidavit to Establish Identity, DOL-468A Rev. 11/12. The Affidavit to Establish Identity is incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(d) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(16) Payment to One Person or Entity. Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity. For prizes valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, *Statement by Person(s) Receiving Gambling Winnings*, revised 12/08, if more than one person or a person other than the claimant is entitled to the prize winnings. The form must be presented to the Lottery along with the Winner Claim form prior to ticket validation. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(17) Federal Withholding Taxes. Federal withholding taxes shall be deducted from prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (21) a claimant must submit an original winning ticket or an original continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

(a) If a claimant submits an original winning ticket or an original continuation ticket and an original player claim instructions ticket produced from an original winning ticket or from an original continuation ticket, payment will be made in accordance with subsections (16) and (17).

(b) If a claimant submits only an original winning ticket or an original continuation ticket, the ticket will be validated and payment will be made in accordance with subsections (16) and (17).

(c) If a claimant submits only an original player claim instructions ticket, the player claim instructions ticket will be validated and payment will be made in accordance with subsections (16) and (17) and as follows:

1. For on-line prizes, if the absence of the original ticket or the original continuation ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

2. For instant prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 90 days after the official end of the game, whichever date occurs sooner.

3. If the absence of the original ticket or the original continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made as follows:

a. For winning on-line tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 210 days.

b. For winning instant tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180-day or 90-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 90-day time period.

4. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth in subparagraphs (18)(c)1., 2. and 3., an investigation will be conducted to determine to whom payment should be made, if anyone.

(d) If a claimant submits only an original advance play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted and payment will be made as follows:

1. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the original

winning ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner, provided that payment for the continuation ticket is not made prior to the expiration time frames set forth above.

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

(e) In the event a claim for payment is made without an original ticket, an original continuation ticket, or a player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, the original continuation ticket, or the player claim instructions ticket is attributable to an act or omission of the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery determines that the available evidence is sufficient to validate the claim.

If the Lottery determines that the provisions set forth in subparagraphs 1. and 2. above are sufficiently met, payment will be made to the claimant following the expiration of the applicable deadline set forth in subsection (1) for validating and submitting a winning ticket for prize payment.

(19) Determination of Prize Winner. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and Social Security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) For prizes less than \$600, payment to the person determined in accordance with paragraphs (19)(a) through (e) above shall be made in that person's name as it appears on the back of the winning ticket. For prizes of \$600 or more, payment shall be made in that person's name as it appears on the Winner Claim Form as described in paragraph (14)(c) above.

(g) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (19)(c), (d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(h) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (19)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(i) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(j) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the claimant and any other persons entitled to receive a portion of the Lottery winnings.

(20) Payment after Death of Prizewinner Receiving Deferred Payments. If a prizewinner dies during the scheduled payment period of a deferred payment prize, the Lottery will make payment to the estate of the deceased prizewinner upon its receipt of a certified copy of the winner's death certificate and a certified copy of the Letters of Administration or equivalent document establishing the personal representative or executor of the winner's estate. Upon its receipt of a certified copy of a court order directing payment to identified persons or entities in accordance with a prizewinner's will or state law, the Lottery will make payment in accordance with the court order. Upon receipt by the Lottery of notification of the death of a prizewinner, no payments will be made by the Lottery until it has received a certified copy of the winner's death certificate and either a certified copy of the Letters of Administration or its equivalent or a court order as described above. Payments withheld because appropriate documents have not been received will be subject to the provisions of Chapter 717, Florida Statutes, the "Florida Disposition of Unclaimed Property Act."

(21) Payment of On-line Game Multi-play Tickets Including a Cash Prize and a Free Quick Pick Ticket Prize. Additional payment provisions applicable only to winning on-line game multi-play tickets (tickets with more than one panel played for a single draw date) that include a cash prize and a prize of a free quick pick ticket are as follows:

(a) A \$1.00 value for each free quick pick ticket on a multi-play ticket shall be included in the total prize value of the ticket.

(b) On-line game multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a ticket with one free quick pick play for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

(c) On-line game multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the on-line game multi-play ticket is successfully validated, the Lottery will pay the claimant the cash prize and

give the claimant a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize.

2. If the claim is submitted by mail to a Lottery office and the on-line game multi-play ticket is successfully validated, the Lottery will pay the cash prize and, if the claimant's address is in Florida, print a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize. The payment and the free ticket shall be mailed to the claimant by the Lottery, except as set forth in subsection (7) above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (19)(j), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in subsection 24.115(4), Florida Statutes, and the claimant will receive the remaining non-cash portion of the prize.

(22) Canceled and Previously Paid Tickets. No payment shall be made upon a ticket submitted for payment that is reflected in the Lottery's records as having been canceled or previously paid.

(23) Disclosure of Source of Ticket. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(24) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) deposit the prize winnings into an escrow fund until the dispute is resolved; or

(b) petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(25) All tickets and claim forms presented to the Florida Lottery shall become the property of the Florida Lottery.

(26) Information for claiming a prize can be obtained by writing the Florida Lottery, Customer Service, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(27) Payment of winning tickets is subject to all other applicable statutes and rules.

(28) This emergency rule replaces Emergency Rule 53ER12-17, Fla. Admin. Code.

Rulemaking Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1), (4) FS. History—New 12-13-12. Replaces 53ER12-17, Fla. Admin. Code.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: December 13, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On November 21, 2012 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, subsection 61C-4.010(7), Florida Administrative Code, subsection 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Food Party Cafe located in Miami. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize public bathrooms located on a different level.

The Petition for this variance was published in Vol. 38/79 on November 28, 2012. The Order for this Petition was signed on December 5, 2012 and after a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the public bathrooms located on the first floor are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, handwash sign and are available during all hours of operation. The Petitioner shall also ensure that directional signage is installed in the main restaurant area clearly stating the location of the bathrooms. If the ownership of the Miracle Marketplace changes, an updated, signed agreement is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NO.: RULE TITLE:

62-769.800: Abandoned Tank Restoration Program
NOTICE IS HEREBY GIVEN that on December 7, 2012, the Department of Environmental Protection received a petition for waiver of the \$500 deductible requirement of the Abandoned Tank Restoration Program for the Travis property, DEP Facility No. 539804436 from James R. Travis, Sr. The petition requested a waiver from the paragraph 62-769.800(4)(c), F.A.C. The petition has been assigned OGC File # 12-1822.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Bureau of Petroleum Storage Systems, Bob Martinez Center, Mail Station 4540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; Attn: Charles Williams, (850)245-8863. Written comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH
Division of Environmental Health
RULE NO.: RULE TITLE:

64E-6.013: Construction Materials and Standards for Treatment Receptacles
NOTICE IS HEREBY GIVEN that on December 10, 2012, the Department of Health, received a petition for waiver from Bruce Stowe, representing Roth Global Plastics, Inc. Specifically, the petitioner seeks a waiver from paragraph 64E-6.013(2)(a), Florida Administrative Code, which requires all receptacle stiffening members such as ribs to be a homogeneous integral part of the structure of the treatment receptacle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION
The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 9, 2013, 9:00 a.m. until complete or until 11:00 a.m.

PLACE: Conference Call Telephone Number (888)670-3525; passcode 7923533220

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee Conference Call - General Business.

A copy of the agenda may be obtained by contacting The Florida Rehabilitation Council , (850)245-3317.

For more information, you may contact: Roy Cosgrove, (850)245-3317).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 4, 2013, 9 a.m.–12 p.m.

PLACE: St. Johns River Water Management District, District Headquarters, Governing Board Room, 4049 Reid St., Palatka, FL 32177.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District will hold a meeting of the Clay-Putnam Minimum Flows and Levels (MFLs) Prevention/Recovery Strategy Implementation Work Group to discuss the MFLs Prevention/Recovery Strategy for Lakes Brooklyn, Cowpen, Geneva, and Grandin. All interested parties are invited to attend.

A copy of the agenda may be obtained by contacting: Julie Green, 4049 Reid Street, Palatka, FL 32178, (386) 329-4240, or jgreen@sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386) 329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TDD) or (800) 955-8770 (voice).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 4, 2013, 9:00 a.m.–12:00 p.m.

PLACE: St. Johns River Water Management District, District Headquarters, Governing Board Room, 4049 Reid St., Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The St. Johns River Water Management District will hold a meeting of the Clay-Putnam Minimum Flows and Levels (MFLs) Prevention/Recovery Strategy Implementation Work

Group to discuss the MFLs Prevention/Recovery Strategy for Lakes Brooklyn, Cowpen, Geneva, and Grandin. All interested parties are invited to attend.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

The Florida Mobile Home Relocation Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: January 3, 2013, 2:00 p.m.

PLACE: Conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting Janet Compton at (888) 862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Compton at (888) 862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800) 955-8771 (TDD) or (800) 955-8770 (voice).

For more information, you may contact Janet Compton, Executive Director, FMHRC, PO Box 3047, Tallahassee, FL 32315, (888) 862-7010.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2013, 2:00 p.m. and February 8, 2013, 8:30 a.m.

PLACE: Holiday Inn Jacksonville Baymeadows, 9150 Baymeadows Road, Jacksonville, FL 32256, (904) 737-1700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1 (800) 955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850) 245-4474 at least one week prior to the meeting.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2013, 2:00 p.m. and February 8, 2013, 8:30 a.m.

PLACE: Holiday Inn I-295 and Baymeadows 11083 Nurseryfields Drive, Jacksonville, FL 32256, (904)854-8000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1 (800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to the meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-4.0210: Definitions

65G-4.0211: General Provisions

65G-4.0212: Transition of Individuals to iBudget Florida

65G-4.022: iBudget Cost Plan Development and Approval

65G-4.024: Cost Plan Changes

65G-4.027: Cost Plan Funding and Review

The Agency for Persons with Disabilities announces a hearing to which all persons are invited.

DATE AND TIME: January 7, 2013, 2:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Change published in the FAR, December 17, 2012.

A copy of the agenda may be obtained by contacting: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399; (850) 488-4257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Denise Arnold, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399; (850)488-4257. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office on Homelessness

The Department of Children and Families, Council on Homelessness announces a telephone conference call to which all persons are invited.

EXECUTIVE

DATES AND TIMES: Monday, January 7, 2013; Monday, February 4, 2013; Monday, March 4, 2013, 2:00 p.m. – 3:00 p.m.

DATA COLLECTION

DATE AND TIME: Wednesday, January 9, 2013, 10:00 a.m. – 11:00 a.m.

LEGAL AND LAW

DATES AND TIME: Friday, January 4, 2013; Friday, March 1, 2013; 2:00 p.m. – 3:00 p.m.

VETERANS

DATES AND TIME: Tuesday, January 8, 2013; Tuesday, February 12, 2013; Tuesday, March 12, 2013; 2:00 p.m. – 3:00 p.m.

CONTINUUM OF CARE

Dates and time: Wednesday, January 23, 2013; Wednesday, February 27, 2013; Wednesday, March 27, 2013; 2:00 p.m. – 3:00 p.m.

AFFORDABLE HOUSING

DATES AND TIME: Wednesday, January 16, 2013; Wednesday, February 20, 2013; Wednesday, March 20, 2013; 10:00 a.m. – 11:00 a.m.

CHILDREN'S

DATES AND TIME: Thursday, January 17, 2013; Thursday, March 21, 2013; 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call (888)670-3525, Code: 9798513235, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting: the Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, and (850)922-4691.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, and (850)922-4691. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: the Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, and (850) 922-4691.

FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOC., INC.

The Board of Directors' of FWCIGA announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2013, 2:00 p.m.

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include, but not be limited to, legislative matters.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF HEALTH
Board of Psychology

RULE NO.: RULE TITLE:

64B19-19.003: Maintenance and Retention of Records

The Board of Psychology hereby gives notice that it has received a petition for Declaratory Statement, filed on October 29, 2012, by Jeremy S. Gaies, Psy.D. The Petitioner seeks the Board's interpretation of Rule 64B19-19.003, Florida Administrative Code, and whether a licensed Psychologist is responsible for maintenance and retention of psychological records, and whether he has a right to receive those records upon leaving the practice at which he provided clinical services.

Comments on this petition should be filed with the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Allen Hall, Executive Director, at the above address or telephone (850)245-4444.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

AJAX BUILDING CORPORATION

INVITATION TO PREQUALIFY:

Prequalification notices for furnishing all labor and material and performing all work necessary and incidental to the completion of Liberty City Health Clinic will be received by Ajax Building Corporation at their office at 25166 Marion Ave, Suite 116, Punta Gorda, FL 33950; office (941)575-5177, fax (941)575-5135, email jderocker@ajaxbuilding.com. Scope Includes: Sitework (Asphalt, Hardscape outside of Building Perimeter, Site Striping & Signage) & Utilities (Storm, Sanitary, water mains & fire line); Landscaping; Chain Link Fencing; Concrete related to Foundations & Slab On Grade; Masonry; Structural Steel, Pipe & Tube Railings, & Misc. Metals; Decorative Metal Fence & Gates; Millwork; Metal Roofing; Doors & Hardware; Overhead Doors; Glass & Glazing, Aluminum Entrances & Storefront; Drywall/Framing/Insulation & Stucco; Hard Tile, Carpet & VCT; Acoustical Ceilings; Painting, Joint Sealants & Coatings; Operable Partitions; Toilet & Bath Accessories; Toilet Partitions; Aluminum Canopies; Plumbing; HVAC with Controls; and Electrical with Communications. Project is expected to commence on 02/08/13 and be substantially complete on 10/08/13. Only bidders meeting prequalification criteria may bid and must provide all pre-qual forms and accompanying data by 01/09/13. Bidders meeting qualification requirements will be notified by 01/16/13. Interested bidders may view and download the Bidder Qualification Questionnaire from the Ajax Building Corporation website at the following address: <http://www.ajaxbuilding.com/pdf/Bidder%20Prequal%20Questionnaire%20--%202010-06-29.pdf>. Any questions can be directed to Jeff DeRocker. No bid documents will be distributed within seven (7) days of date of bid receipt; each bid must be accompanied by a Bid Bond, certified check or cashier's check in the amount not less than five percent (5%) of the total amount of the base bid. No bids may be withdrawn after the scheduled closing time for receipt of same for a period of sixty (60) days. A Mandatory Pre-Bid online meeting will be scheduled to review and discuss the bid documents. Ajax Building Corporation will notify all pre-qualified bidders when this meeting is scheduled. Interested bidders must contact Ajax thru e-mail with contact information by 01/09/13. Ajax Building Corporation reserves the right to reject any and all bids received and to waive any and all informalities or irregularities in regard thereto. MBE/WBE and local participation is strongly encouraged. Dates are subject to change.

Section XII
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850) 245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No. DEO-12-150

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY, FLORIDA,
ORDINANCE NO. 027-2012

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat., approving land development regulations adopted by Monroe County, Florida, Ordinance No. 027-2012 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.
2. The Ordinance was adopted by Monroe County on September 21, 2012, and rendered to the Department on October 16, 2012.
3. The Ordinance amends Section 118-9 of the Monroe County Code, “Clearing Allowances,” to address clearing of upland native vegetation to be consistent with the Monroe County 2010 Comprehensive Plan. The Ordinance limits the amount of clearing allowed on lots or parcels in Tier I, Tier II, Tier III and Tier III-A Special Protection Area; provides an exception to the 7,500 clearing limitation for a driveway on

lots designated Tier III and Tier III-A Special Protection Area that exceed 30,000 square feet, except for parcels on Big Pine Key and No Name Key; and requires approval of the clearing by a County biologist and the Planning Director. Clearing remains limited to a maximum of 7,500 square feet (except for certain driveways in Tiers III and III-A described above), must minimize fragmentation and avoid specimen trees, and driveway design must take the shortest reasonable route.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat. Monroe County is a local government in the Florida Keys Area of Critical State Concern.

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

6. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

7. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically furthers the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

8. The Ordinance is consistent with Policy 101.4.22 of the Monroe County Comprehensive Plan as amended by adoption of the County’s 12-2ACSC comprehensive plan amendment package.

WHEREFORE, IT IS ORDERED that Monroe County Ordinance No. 027-2012 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

_____/s/_____
 J. THOMAS BECK, AICP
 Director, Division of Community Development
 Department of Economic Opportunity
 NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO

SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS FINAL ORDER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
 DEPARTMENT OF ECONOMIC OPPORTUNITY
 OFFICE OF GENERAL COUNSEL
 107 EAST MADISON STREET, MSC 110
 TALLAHASSEE, FLORIDA 32399-4128

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2012.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

Amy Heavilin, Clerk Ad Interim
Monroe Co. Board of County Commissioners
500 Whitehead Street
Key West, FL 33040

Christine Hurley, Director
Monroe County Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, FL 33050

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO Tallahassee
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee.

By U.S. Mail:
The Honorable George Neugent
Mayor, Monroe County
500 Whitehead Street
Key West, FL 33040

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
